

United States District Court

DISTRICT OF DELAWARE

UNITED STATES OF AMERICA

v.

SILVIA LANDA-MARTINEZ

REDACTED

Criminal Complaint

Case No. 06 - 36M-MPT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about March 19, 2006 in Sussex County, in the District of Delaware, the defendant was knowingly present in the United States, having been previously deported from the United States, and had not obtained the permission of either the Attorney General of the United States or the Undersecretary for Border and Transportation Security to re-enter the United States, in violation of Title 8, United States Code, Section 1326(a).

I further state that I am a(n) Special Agent, Bureau of Immigration & Customs Enforcement (ICE) and that this complaint is based on the following facts:

Official Title

See attached Affidavit

Continued on the attached sheet and made a part hereof: Yes



Signature of Complainant

William O. Horn

Special Agent

ICE

U.S. Dep't of Homeland Security

Sworn to before me and subscribed in my presence,

March 24, 2006

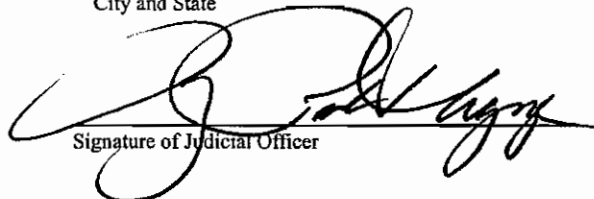
Date

at Wilmington, DE

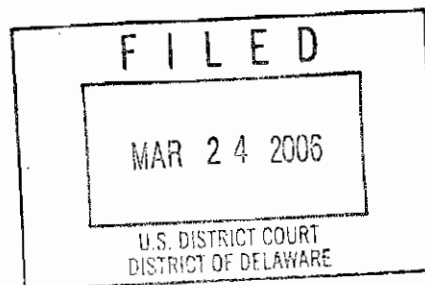
City and State

Honorable Mary Pat Thyng
United States Magistrate Judge

Name & Title of Judicial Officer



Signature of Judicial Officer



AFFIDAVIT

I, WILLIAM O. HORN, being duly sworn, depose and say:

1. I am a Special Agent with the United States Department of Homeland Security, Bureau of Immigration & Customs Enforcement (ICE), Dover, Delaware. I have been employed as a Supervisory Special Agent since October 1, 1997, when I was employed by the Immigration and Naturalization Service (INS). The INS was transferred to the U.S. Department of Homeland Security as the Bureau of Immigration & Customs Enforcement in March 2003.

2. This investigation is based on information provided by State of Delaware government agencies, INS/ICE records, and my own observations and interviews.

3. On or about March 19, 2006, ICE Dover assisted the Delaware State Police in a raid on a house of prostitution in Roxana, DE, in the District of Delaware. Working in that house, as a prostitute, was a woman who gave her name as Silvia LANDA-Martínez. When her fingerprints were checked through the Integrated Automated Fingerprint Identification System (IAFIS) and ICE's IDENT system, they showed that Silvia LANDA-Martínez, -1978, Mexico, had an alien file (A-File) with ICE, A97 436 391.

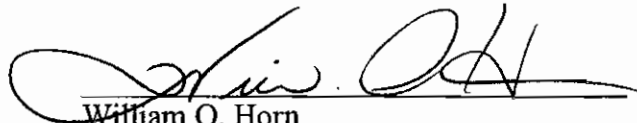
4. The A-File relating to Ms. LANDA was located at ICE's National Records Center (NRC). The NRC sent to Dover, by facsimile, a copy of various documents from the file. Among these documents were: a Form I-213, Record of Deportable/Inadmissible Alien, executed by an ICE Special Agent in New Jersey, showing that Ms. LANDA had been encountered in a house of prostitution in June, 2004; a sworn statement by Ms. LANDA on June 14, 2004, in which she admitted that she was an illegal alien; and an executed Form I-205, which showed that Silvia LANDA-Martínez had been removed from the United States to Mexico on July 20, 2004.

5. In the alien file, there was no evidence that Silvia LANDA-Martínez had filed an Application for Advance Permission to Reapply for Admission to the United States, which is required to be filed prior to attempting to enter the United States, after one has been removed from the US.

6. Your affiant took a statement, under oath, from Ms. LANDA, in which she stated that she had previously been removed from the United States to Mexico in July, 2004; that she reentered the United States illegally on February 14, 2005; and that she has never filed an Application for Advance Permission to Reapply for Admission to the United States after having been removed. Ms. LANDA stated that she entered California near Tijuana, in the trunk of a car.

WHEREFORE, your affiant avers that there is probable cause to believe that Silvia LANDA-Martínez, a citizen and national of Mexico, was removed by INS/ICE to Mexico on July 20, 2004, and that, prior to her reembarkation at a place outside the United States, neither the United States Attorney General nor the Undersecretary for Border and Transportation Security, Department of

Homeland Security, had expressly consented to such alien's reapplying for admission, in violation of Title 8, United States Code, 1326(a).



William O. Horn

Special Agent

U.S. Immigration & Customs Enforcement

Sworn to and subscribed before me
this 24 day of March, 2006:



THE HONORABLE MARY PAT THYNGE
UNITED STATES MAGISTRATE JUDGE